

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON AGRICULTURE**

**Call to Order:** By **VICE CHAIRMAN CAROL LAMBERT**, on January 25, 2005 at 3:10 P.M., in Room 472 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Carol Lambert, Vice Chairman (R)  
Rep. Jonathan Windy Boy, Vice Chairman (D)  
Rep. Joan Andersen (R)  
Rep. Bob Bergren (D)  
Rep. Gary Branae (D)  
Rep. Wanda Grinde (D)  
Rep. Ralph Heinert (R)  
Rep. Llew Jones (R)  
Rep. Jim Keane (D)  
Rep. Bruce Malcolm (R)  
Rep. Jim Peterson (R)  
Rep. Diane Rice (R)  
Rep. Veronica Small-Eastman (D)  
Rep. Dan Villa (D)  
Rep. Karl Waitschies (R)  
Rep. Jeanne Windham (D)  
Rep. Brady Wiseman (D)

**Members Excused:** Rep. Edward B. Butcher, Chairman (R)  
Rep. Kevin T. Furey (D)  
Rep. John (Jack) W. Ross (R)

**Members Absent:** None.

**Staff Present:** Linda Keim, Committee Secretary  
Krista Lee Evans, Legislative Branch

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 266, 1/14/2005; HB 352,  
1/20/2005  
Executive Action: None

**HEARING ON HB 266**

**Sponsor:** REP. DIANE RICE, HD 71, HARRISON

**Opening Statement by Sponsor:**

REP. DIANE RICE (R), HD 71, opened the hearing on HB 266, which will implement the Noxious Weed Trust Fund Constitutional Amendment, and provide a funding source. Any left-over money from the annual grant cycle will be filtered back into the Noxious Weed Trust Fund. These are grants that people over-estimated on, and the amount usually runs around \$50-\$150,000 each year.

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**Proponents:**

Nancy K. Peterson, Director, Montana Department of Agriculture, presented written testimony, which she read to the committee.  
[EXHIBIT \(agh19a01\)](#)

Bob Gilbert, Present Elect, Montana Weed Association; also representing the County of Rosebud, distributed copies of "The Montana Weed Management Plan," "Noxious Weed Trust Fund Program," and the "Noxious Weed Trust Fund Grants Program Budget" to the committee. They strongly endorse this bill and the Constitutional Amendment.

[EXHIBIT \(agh19a02\)](#)

[EXHIBIT \(agh19a03\)](#)

[EXHIBIT \(agh19a04\)](#)

Mack Cole, representing Treasure County and the Weed Trust Board, said they support this bill and hope it passes.

Steve Snezek, Montana Grain Growers, expressed support.

John Youngberg, Montana Farm Bureau Federation, stated their support.

Jim Larson, representing Stillwater County, stated their support and said that this is a great opportunity to get ahead on some weed fighting they haven't been able to do before.

Dave Schultz, Commissioner, Madison County, Chair Montana Weed Summit, encouraged the Committee's support.

Scott Bockness, Vice President, Montana Weed Control Association and Weed Coordinator for Yellowstone County, expressed support.

**John Moodry, representing Butte/Silver Bow Counties,** said their Weed Control Department supports this legislation.

**Barbara Broberg, Women Involved in Farm Economics,** stated their support for the bill.

**Carla Johnson, Montana Cattle Women; also representing Montana Stock Growers Association,** expressed support for HB 266, the Constitutional protection of the trust fund, and the implementation of the trust fund.

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

**REP. SMALL-EASTMAN** asked if there is any penalty when someone doesn't spray their weeds. **REP. RICE** said each county has a written plan and program, which the County Weed Coordinators help implement. Tribal Reservations can also partake of the matching grants in the Noxious Weed Trust Fund. She said there is a Weed Control Act, but she didn't know what the penalty is.

**Krista Lee Evans, Legislative Staffer,** noted that it is provided in Statute that if a property owner does not spray their weeds, that the county, usually the Weed Board, can try to work with them to come up with a weed management plan. If they refuse, the county can spray the weeds and send the bill to the landowner.

**{Tape: 1; Side: A; Approx. Time Counter: 5.7 - 15}**

**REP. WISEMAN** noted that the money for the Trust comes from the Gasoline License Tax Act, and asked what the other sources of money for the Trust are. **REP. RICE** said that source brings only \$14,000 per year. The majority of the money comes from the \$1.50 license plate fee. There is a cost break-down in "Noxious Weed Trust Fund Grants Program Budget," one of the handouts. The remainder, \$200,000-300,000, comes from the interest on the Trust.

**REP. WISEMAN** asked how the money from the Trust is spent and about the amount. **REP. RICE** referred to the brochure which was handed out. \$2.5 million matching grants are funded, putting \$5 million into circulation. The funding source is the interest from the Trust fund, fuel tax and license plate fees.

**REP. WISEMAN** asked if the existence of the Trust creates more funds available for weed control. **REP. RICE** said that the awareness of this Trust fund has grown. Requests received were

over \$3 million, but availability is \$2 million. Grant requests are usually for three years; if they can't afford the whole thing, they will be issued for one year. She stated, "We are not putting more money in as a State, the General Fund amount of \$101,000 is the same."

**{Tape: 1; Side: A; Approx. Time Counter: 15 - 19}**

**REP. WAITSCHES** had a question. **Ms. Evans** explained that Line 17 on Page 4 of the bill restates within the Constitutional Amendment that a majority vote can appropriate the interest and earnings off the trust, and a three-quarter vote of each House can appropriate the principal of the Trust.

**CHAIRMAN LAMBERT** asked what assurance there is that money will be available for the Weed Fund each year. **REP. RICE** deferred the question. **Dave Birch, State Weed Coordinator, Department of Agriculture**, said it is a gamble because there is not enough money in the budget. Over the history of the trust fund, they have been able to continually fund the grants up to a three or four year program.

**Closing by Sponsor:**

**REP. RICE** noted that the Montana Weed Management Plan just handed out is unique to Montana and many other states are trying to replicate what has been done here. She asked for a DO PASS.

**HEARING ON HB 352**

**SPONSOR: REP. JOAN ANDERSEN, HD 59, FROMBERG**

**Opening Statement by Sponsor:**

**REP. JOAN ANDERSEN (R), HD 59**, opened the hearing on **HB 352**, which would revise brand inspection requirements allowing a transportation permit to be issued that would give livestock owners the ability to transport their livestock across one additional county line. The bill is being brought to address problems with the drought and the lack of irrigation water. There have been instances where people are having trouble finding pasture locally and have had to travel further than normal, requiring another brand inspection. An amendment was presented to eliminate alternative livestock from the bill.

**EXHIBIT** (agh19a05)

**{Tape: 1; Side: A; Approx. Time Counter: 18 - 28}**

**Proponents' Testimony:** None.

**Opponents' Testimony:**

**Jack Wiseman, Administrator, Brand Enforcement Division, Department of Livestock (DOL)**, explained current law for the movement of livestock: 1) Visual inspection, 2) Market Permit, and 3) Grazing Permit. A Grazing Permit allows verbal approval for transport to an adjoining county. Under the proposal, a producer could obtain a Grazing Permit allowing transport two counties away without visual inspection, verification of ownership, or checking on the livestock. This would allow travel from a few miles North of the Wyoming Border to Canada without any inspection.

He noted that the Department of Livestock's mission is to protect producers from theft and animal disease. The National ID Program requires 48 hours trace-back and quarantine capability. In 2003, DOL was contacted by the United States Department of Agriculture, and asked to do a trace-back on five bulls that were imported from Canada in 1997, because they came from a herd in Canada that had a cow diagnosed with Mad Cow Disease. Under current livestock laws, they were able to trace the Montana movement of all five animals in less than ten hours. Montana has the most comprehensive laws of all the 17 states that have brand laws. He asked that current law not be compromised.

**Cork Mortensen, Director, Montana Farm Bureau Federation**, said they agree with Mr. Wiseman and they also oppose the bill. Disease trace-back is the most important of all the reasons Mr. Wiseman gave.

**Kathy McGowan, Montana Sheriff's and Peace Officers Association**, said that sheriffs in small counties double as livestock inspectors, and finding stolen animals will be difficult under this bill.

**Informational Testimony:** None.

**{Tape: 1; Side: B; Approx. Time Counter: 0 - 9.5}**

**Questions from Committee Members and Responses:**

**REP. WISEMAN** asked Mr. Wiseman for more information. **Mr. Wiseman** said that Montana is rural enough that they have 18 investigators to cover the entire state. When it is an adjoining county, the district investigator issues the grazing permit. Local law enforcement officers know who the producers and the truckers are in the area, so they know what the movement is as it stands now. If two county lines are allowed, no one makes sure of the brand and the number of cows being moved. It would also be more difficult to match up stray cattle with their owners.

**REP. WISEMAN** asked what procedure producers have to use currently if they cross two county lines. **Mr. Wiseman** said that each cow has to be visually inspected for a brand, and the number being moved is verified.

**REP. MALCOLM** asked for the cost of the inspection. **Mr. Wiseman** said that a grazing permit is \$10, and a visual inspection is \$.50 a head. One hundred head of cows would cost \$10 for a grazing permit, but it would cost \$50 if it were an inspection.

**VICE CHAIRMAN LAMBERT** asked why this Legislation came about.

**REP. ANDERSON** said that a constituent brought this to her attention. She understood that the cost for the brand inspection is \$.50 per head, plus the mileage for the Brand Inspector. There is another Brand Inspection and mileage to pay for when you take the cattle back home. It would be \$100 plus mileage for two inspection trips.

**REP. WAITSCHES** asked about the amendment striking Section 3.

**REP. ANDERSON** said that it refers to the renumbering of sections. She said that alternative livestock were included, but that was not her intention.

**Closing by Sponsor:**

**REP. ANDERSON** said that after looking at the counties on a map of Montana, it was not her intention to allow cattle to be moved that far. She wants to try to fix the bill, and possibly limit the distance for transport, before Executive Action is taken. She thanked the people who came to speak at the hearing, and emphasized that she supports protection of the ranching industry and the cattle growers in the state.

**VICE CHAIRMAN LAMBERT** said that they would allow **REP. ANDERSON** some time to work further on this bill.

**{Tape: 1; Side: B; Approx. Time Counter: 9.5 - 22.5}**

**ADJOURNMENT**

Adjournment: 4:03 P.M.

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REP. EDWARD B. BUTCHER, Chairman

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LINDA KEIM, Secretary

EB/lk

Additional Exhibits:

**EXHIBIT ([agh19aad0.TIF](#))**